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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,456	02/22/2002	Woo Je-Suk	2051	8405

7590 04/24/2003
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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT PAPER NUMBER

1772

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,456

Applicant(s)

JE-SUK ET AL.

Examiner

Patricia L. Nordmeyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 1-8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1 – 8 are objected to because of the following informalities: Each claim contains the abbreviation “PVC”, and claim 2 contains the abbreviation “FRP”. To ensure what is being claimed, it is desired that the abbreviations be written out into their full form such as polyvinyl chloride. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 2 – 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase “high density perforated PVC sheets” in claims 1 and 3 – 7, which render the claims vague and indefinite. What is high density referring to, the holes or PVC? If it is the holes, what is considered to be high density?

The phrase “Korean paper” in claim 2 is unclear, which renders the claim vague and indefinite. It is unclear from both the claim language and the specification what Korean paper is and if it is different than regular paper.

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The phrase "textile fabric FRP" in claim 2 is unclear, which renders the claim vague and indefinite. It is unclear from the claim language if the phrase is containing one surface material or two. From the specification, it appears to be two separate surface materials.

Correction/clarification is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Meroni (USPN 4,573,299).

Meroni discloses a single layer polyvinyl chloride base (Column 3, lines 58 – 59) containing a high density of perforations (Figure 2, #1) formed from latticework (Column 3, lines 32 – 33) in a floor covering (Column 1, lines 6 – 7). Bonded to one side of the base is a textile covering (Column 3, lines 25 – 27 and Figure 2, #2) made from a textile woven material (Column 3, lines 62 – 64). Since claim 3 contains the range 1 to 20 layers, and Meroni discloses a single layer (Column 3, lines 58 – 59), the limitations of claims 4 and 5 do not further limit the invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meroni in view of Dong (USPN 6,291,552).

Meroni discloses the claimed floor covering formed with a perforated polyvinyl chloride except for a glass fiber sheet being attached to the upper or lower side of the perforated sheet, the glass fiber sheet being attached to both the upper and lower sides of the perforated sheet and the covering attached to the perforated sheet being selected from non-woven fabric, polyvinyl chloride sheet, rubber sheet and foamed synthetic resin sheet.

Dong teaches a non-woven glass fiber mat (Figure 1 and Column 8, line 15) used in flooring (Column 1, lines 14 – 16) for the purpose of forming glass fiber mats with a wide range of properties including high porosity to help with the drainage of water away from the surface.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the glass fiber mat in Meroni in order to have a glass mat that has high porosity to help with the drainage of water away from the surface of the floor mat as taught by Dong.

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Meroni, as modified with Dong, discloses the claimed invention except for the glass fiber sheet being attached to both the upper and lower sides of the perforated sheet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place a glass fiber sheet on both sides of the floor mat in order to give the floor reinforcement and strength to withstand wear and tear, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (703) 306-5480. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (703) 308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Patricia L. Nordmeyer
Examiner
Art Unit 1772

pln


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

4/24/03